

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1334 be amended to read as follows:

- 1 Page 5, line 1, delete ", other than a member" and insert ";".
- 2 Page 5, delete lines 2 through 6.
- 3 Page 5, line 7, delete ", other than a member" and insert ";".
- 4 Page 5, delete lines 8 through 12.
- 5 Page 5, line 19, delete ", other than an officer described in" and
- 6 insert ";".
- 7 Page 5, delete line 20.
- 8 Page 5, line 21, delete ", other than a sheriff described in" and insert
- 9 ";".
- 10 Page 5, delete line 22.
- 11 Page 6, line 23, delete "and pay for".
- 12 Page 9, between lines 34 and 35, begin a new paragraph and insert:
- 13 "SECTION 8. IC 36-8-6-9.7, AS AMENDED BY P.L.86-2003,
- 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2004]: Sec. 9.7. (a) This section applies to a member who died
- 16 in the line of duty (as defined in section 10.1 of this chapter) before
- 17 September 1, 1982.
- 18 (b) A payment shall be made to the surviving spouse of a deceased
- 19 member in an amount fixed by ordinance, but at least an amount equal
- 20 to thirty percent (30%) of the monthly pay of a first class patrolman per
- 21 month during the surviving spouse's life if the spouse did not remarry
- 22 before September 1, 1983. If the spouse remarried before September
- 23 1, 1983, and benefits ceased on the date of remarriage, the benefits for
- 24 the surviving spouse shall be reinstated on July 1, 1997, and continue

during the life of the surviving spouse.

(c) Except as otherwise provided in this subsection, a payment shall also be made to each child of a deceased member less than eighteen (18) years of age, in an amount fixed by ordinance, but at least an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month to each child:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longer. However, the total of benefits under this subsection added to the benefits under subsection (b) may not exceed the maximum benefits computed under section 9 of this chapter for pension payments to a member who retires from active service after twenty (20) years or more of active service. This maximum benefit is equal to fifty percent (50%) of the salary of a first class patrolman in the police department plus, for a member who retired before January 1, 1986, two percent (2%) of the first class patrolman's salary for each year of service of the retired member over twenty (20) years or, for a member who retires after December 31, 1985, plus one percent (1%) of the first class patrolman's salary for each six (6) months of service of the retired member over twenty (20) years. However, the maximum benefit may not exceed in any year an amount greater than seventy-four percent (74%) of the salary of a first class patrolman.

(d) If a deceased member leaves no surviving spouse and no child who qualifies for benefits under subsection (c) but does leave a dependent parent or parents, an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month from the time of the member's death shall be paid to the dependent parent or parents during their dependency. When both parents survive, the total amount is still twenty percent (20%), to be paid to them jointly. In all cases of payment to a dependent relative of a deceased member, the board is the final judge of the question of necessity and dependency and of the amount to be paid. The board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the fund or other circumstances make this action necessary.

(e) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(f) The unit of local government that employed the deceased member shall after December 31, 2003, **and before January 1, 2005,**

offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).

(g) After December 31, 2004, the unit of local government that employed the deceased member shall provide health insurance coverage for:

- (1) the surviving spouse; and**
- (2) each natural child, stepchild, or adopted child;**

of the member under IC 5-10-14.

SECTION 9. IC 36-8-6-10.1, AS AMENDED BY P.L.86-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10.1. (a) This section applies to a member who dies in the line of duty after August 31, 1982.

(b) The surviving spouse is entitled to a monthly benefit, during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but no less than fifty percent (50%) of the monthly wage received by a first class patrolman. If the surviving spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(c) A payment shall also be made to each child of a deceased member less than eighteen (18) years of age, in an amount fixed by ordinance, but at least an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month to each child:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longer.

(d) The surviving children of the deceased member who are eligible to receive a benefit under subsection (c) may receive an additional benefit in an amount fixed by ordinance, but the total additional benefit under this subsection to all the member's children may not exceed a total of thirty percent (30%) of the monthly wage received by a first class patrolman. However, this limitation does not apply to the children of a member who are physically or mentally disabled.

(e) If a deceased member leaves no surviving spouse and no child who qualifies for benefits under subsection (c) but does leave a dependent parent or parents, an amount equal to twenty percent (20%) of the monthly pay of a first class patrolman per month from the time of the member's death shall be paid to the dependent parent or parents during their dependency. When both parents survive, the total amount is still twenty percent (20%), to be paid to them jointly. In all cases of payment to a dependent relative of a deceased member, the board is the final judge of the question of necessity and dependency and of the amount to be paid. The board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the fund or other circumstances make this action necessary.

(f) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(g) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness caused by incident, accident, or violence that results from any action that the member in the member's capacity as a police officer:

- (1) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or
- (2) performs in the course of controlling or reducing crime or enforcing the criminal law.

The term includes a death presumed incurred in the line of duty under IC 5-10-13.

(h) The unit of local government that employed the deceased member shall after December 31, 2003, **and before January 1, 2005**, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

1 whichever period is longest. If health insurance coverage is offered by
 2 the unit to active members, the health insurance provided to a surviving
 3 spouse and child under this subsection must be equal in coverage to that
 4 offered to active members. The offer to provide and pay for health
 5 insurance coverage shall remain open for as long as there is a surviving
 6 spouse or as long as a natural child, stepchild, or adopted child of the
 7 member is eligible for the coverage under subdivision (1), (2), or (3).

8 **(i) After December 31, 2004, the unit of local government that**
 9 **employed the deceased member shall provide health insurance**
 10 **coverage for:**

11 **(1) the surviving spouse; and**

12 **(2) each natural child, stepchild, or adopted child;**
 13 **of the member under IC 5-10-14.**

14 SECTION 10. IC 36-8-7-12.3, AS AMENDED BY P.L.86-2003,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2004]: Sec. 12.3. (a) This section applies to a member who
 17 died in the line of duty (as defined in section 12.4 of this chapter)
 18 before September 1, 1982.

19 (b) If a member of the fire department or a retired member of the
 20 1937 fund dies and leaves:

21 (1) a surviving spouse;

22 (2) a child or children less than eighteen (18) years of age;

23 (3) a child or children at least eighteen (18) years of age who are
 24 mentally or physically incapacitated; or

25 (4) a child or children less than twenty-three (23) years of age
 26 who are:

27 (A) enrolled in and regularly attending a secondary school; or

28 (B) full-time students at an accredited college or university;

29 the local board shall authorize the payment to the surviving spouse and
 30 to the child or children of the amount from the fund as prescribed by
 31 this section. If the surviving spouse of a deceased member remarried
 32 before September 1, 1983, and pension benefits ceased on the date of
 33 remarriage, the benefits for the surviving spouse shall be reinstated on
 34 July 1, 1997, and continue during the life of the surviving spouse. If the
 35 pension of the surviving spouse of a deceased member has ceased by
 36 virtue of the spouse's remarriage, and if the person to whom the spouse
 37 has remarried was a retired member of the fire department who was
 38 also entitled to a pension, then upon the death of the member to whom
 39 the spouse had remarried, the spouse is entitled to receive a pension as
 40 the surviving spouse of a deceased member as though the spouse had
 41 not been remarried.

42 (c) If a deceased member of the fire department leaves no surviving
 43 spouse or children but leaves a dependent parent, and upon satisfactory
 44 proof that the parent was wholly dependent upon the deceased member,
 45 the local board shall authorize the monthly payment to the parent from

the 1937 fund that is prescribed by this section.

(d) If a member dies while in active service:

(1) the surviving spouse is entitled to receive an amount fixed by ordinance but not less than thirty percent (30%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension;

(2) the member's children who are:

(A) less than eighteen (18) years of age; or

(B) less than twenty-three (23) years of age if the children are enrolled in and regularly attending a secondary school or are full-time students at an accredited college or university;

are each entitled to receive an amount fixed by ordinance but not less than twenty percent (20%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension; and

(3) each parent of a deceased member who was eligible for a pension is entitled to receive jointly an amount equal to thirty percent (30%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension.

If the local board finds upon the submission of satisfactory proof that a child eighteen (18) years of age or older is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under subdivision (2)(B), the child is entitled to receive the same amount as is paid to the surviving spouse of a deceased firefighter as long as the mental or physical incapacity continues. A sum paid for the benefit of a child or children shall be paid to the remaining parent, if alive, as long as the child or children reside with and are supported by the parent. If the parent dies, the sum shall be paid to the lawful guardian of the child or children.

(e) The monthly pension payable to a survivor may not be reduced below the amount of the first full monthly pension received by that person.

(f) A benefit payable under this section shall be paid in not less than twelve (12) monthly installments.

(g) The unit of local government that employed the deceased member shall after December 31, 2003, **and before January 1, 2005**, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by

the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for the coverage under subdivision (1), (2), or (3).

(h) After December 31, 2004, the unit of local government that employed the deceased member shall provide health insurance coverage for:

(1) the surviving spouse; and

**(2) each natural child, stepchild, or adopted child;
of the member under IC 5-10-14.**

SECTION 11. IC 36-8-7-12.4, AS AMENDED BY P.L.86-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12.4. (a) This section applies to an active member who dies in the line of duty after August 31, 1982.

(b) If a member dies in the line of duty after August 31, 1982, the surviving spouse is entitled to a monthly benefit, during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than fifty percent (50%) of the monthly wage received by a fully paid first class firefighter. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse. If the pension of the surviving spouse of a deceased member has ceased by virtue of the spouse's remarriage, and if the person to whom the spouse has remarried was a retired member of the fire department who was also entitled to a pension, then upon the death of the member to whom the spouse had remarried, the spouse is entitled to receive a pension as the surviving spouse of a deceased member as though the spouse had not been remarried.

(c) If a member dies while in active service, the member's children who are:

(1) less than eighteen (18) years of age; or

(2) less than twenty-three (23) years of age if the children are enrolled in and regularly attending a secondary school or are full-time students at an accredited college or university;

are each entitled to receive an amount fixed by ordinance but not less than twenty percent (20%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension.

(d) The surviving children of the deceased member who are eligible to receive a benefit under subsection (c) may receive an additional benefit in an amount fixed by ordinance, but the total additional benefit under this subsection to all the member's children may not exceed a total of thirty percent (30%) of the monthly wage received by a first

1 class firefighter. However, this limitation does not apply to the children
2 of a member who are physically or mentally disabled.

3 (e) If a deceased member of the fire department leaves no surviving
4 spouse or children but leaves a dependent parent, and upon satisfactory
5 proof that the parent was wholly dependent upon the deceased member,
6 the local board shall authorize the monthly payment to the parent from
7 the 1937 fund. Each parent of a deceased member who was eligible for
8 a pension under this subsection is entitled to receive jointly an amount
9 equal to thirty percent (30%) of the salary of a fully paid first class
10 firefighter in the unit at the time of the payment of the pension.

11 (f) For purposes of this section, "dies in the line of duty" means
12 death that occurs as a direct result of personal injury or illness caused
13 by incident, accident, or violence that results from any action that the
14 member, in the member's capacity as a firefighter:

15 (1) is obligated or authorized by rule, regulation, condition of
16 employment or service, or law to perform; or

17 (2) performs while on the scene of an emergency run (including
18 false alarms) or on the way to or from the scene.

19 The term includes a death presumed incurred in the line of duty under
20 IC 5-10-13.

21 (g) If the local board finds upon the submission of satisfactory proof
22 that a child eighteen (18) years of age or older is mentally or physically
23 incapacitated, is not a ward of the state, and is not receiving a benefit
24 under subsection (c)(2), the child is entitled to receive the same amount
25 as is paid to the surviving spouse of a deceased firefighter, as long as
26 the mental or physical incapacity continues. A sum paid for the benefit
27 of a child or children shall be paid to the remaining parent, if alive, as
28 long as the child or children reside with and are supported by the
29 parent. If the parent dies, the sum shall be paid to the lawful guardian
30 of the child or children.

31 (h) The monthly pension payable to a survivor may not be reduced
32 below the amount of the first full monthly pension received by that
33 person.

34 (i) A benefit payable under this section shall be paid in not less than
35 twelve (12) monthly installments.

36 (j) The unit of local government that employed the deceased member
37 shall after December 31, 2003, **and before January 1, 2005**, offer to
38 provide and pay for health insurance coverage for the member's
39 surviving spouse and for each natural child, stepchild, or adopted child
40 of the member:

41 (1) until the child becomes eighteen (18) years of age;

42 (2) until the child becomes twenty-three (23) years of age if the
43 child is enrolled in and regularly attending a secondary school or
44 is a full-time student at an accredited college or university; or

45 (3) during the entire period of the child's physical or mental
46 disability;

1 whichever period is longest. If health insurance coverage is offered by
 2 the unit to active members, the health insurance provided to a surviving
 3 spouse and child under this subsection must be equal in coverage to that
 4 offered to active members. The offer to provide and pay for health
 5 insurance coverage shall remain open for as long as there is a surviving
 6 spouse or as long as a natural child, stepchild, or adopted child of the
 7 member is eligible for the coverage under subdivision (1), (2), or (3).

8 **(k) After December 31, 2004, the unit of local government that**
 9 **employed the deceased member shall provide health insurance**
 10 **coverage for:**

11 **(1) the surviving spouse; and**

12 **(2) each natural child, stepchild, or adopted child;**
 13 **of the member under IC 5-10-14.**

14 SECTION 12. IC 36-8-7.5-13.7, AS AMENDED BY P.L.86-2003,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2004]: Sec. 13.7. (a) This section applies to a member who
 17 died in the line of duty (as defined in section 14.1 of this chapter)
 18 before September 1, 1982.

19 (b) The 1953 fund shall be used to pay an annuity, computed under
 20 subsection (g) and payable in monthly installments, to the surviving
 21 spouse of a member. The annuity continues during the life of the
 22 surviving spouse unless the spouse remarried before September 1,
 23 1983. If the spouse remarried before September 1, 1983, benefits
 24 ceased on the date of remarriage. If a member of the fund died, but not
 25 in the line of duty, and the member's surviving spouse remarried before
 26 September 1, 1983, the benefits of the surviving spouse shall be
 27 reinstated on July 1, 1997, and continue during the life of the surviving
 28 spouse.

29 (c) The 1953 fund shall also be used to pay an annuity equal to
 30 twenty percent (20%) of the salary of a first class patrolman on the
 31 police department, computed as provided in section 12(b) of this
 32 chapter and payable in monthly installments, to each dependent child of
 33 a member of the fund who dies from any cause while in the actual
 34 discharge of duties as a police officer. The pension to each child
 35 continues:

36 (1) until the child becomes eighteen (18) years of age;

37 (2) until the child becomes twenty-three (23) years of age if the
 38 child is enrolled in and regularly attending a secondary school or
 39 is a full-time student at an accredited college or university; or

40 (3) during the entire period of the child's physical or mental
 41 disability;

42 whichever period is longest. However, the pension to the child ceases
 43 if the child marries or is legally adopted by any person.

44 (d) If a deceased member leaves no surviving spouse and no child
 45 who qualifies for a benefit under subsection (c) but does leave a

1 dependent parent or parents, the 1953 fund shall be used to pay an
 2 annuity not greater than a sum equal to twenty percent (20%) of the
 3 salary of a first class patrolman on the police department, computed and
 4 payable as provided in section 12(b) of this chapter, payable monthly
 5 to the dependent parent or parents of a member of the police
 6 department. The annuity continues for the remainder of the life or lives
 7 of the parent or parents as long as either or both fail to have sufficient
 8 other income for their proper care, maintenance, and support.

9 (e) In all cases of payment to a dependent relative of a deceased
 10 member, the local board is the final judge of the question of necessity
 11 and dependency and of the amount within the stated limits to be paid.
 12 The local board may also reduce or terminate temporarily or
 13 permanently a payment to a dependent relative of a deceased member
 14 when it determines that the condition of the 1953 fund or other
 15 circumstances make this action necessary.

16 (f) If the salary of a first class patrolman is increased or decreased,
 17 the pension payable under this section shall be proportionately increased
 18 or decreased. However, the monthly pension payable to a member or
 19 survivor may not be reduced below the amount of the first full monthly
 20 pension received by that person.

21 (g) The annuity payable under subsection (b) equals thirty percent
 22 (30%) of the salary of a first class patrolman. The amount provided in
 23 this subsection is subject to adjustment as provided in subsection (f).

24 (h) The unit of local government that employed the deceased
 25 member shall after December 31, 2003, **and before January 1, 2005,**
 26 offer to provide and pay for health insurance coverage for the member's
 27 surviving spouse and for each natural child, stepchild, or adopted child
 28 of the member:

- 29 (1) until the child becomes eighteen (18) years of age;
- 30 (2) until the child becomes twenty-three (23) years of age if the
- 31 child is enrolled in and regularly attending a secondary school or
- 32 is a full-time student at an accredited college or university; or
- 33 (3) during the entire period of the child's physical or mental
- 34 disability;

35 whichever period is longest. If health insurance coverage is offered by
 36 the unit to active members, the health insurance provided to a surviving
 37 spouse and child under this subsection must be equal in coverage to that
 38 offered to active members. The offer to provide and pay for health
 39 insurance coverage shall remain open for as long as there is a surviving
 40 spouse or as long as a natural child, stepchild, or adopted child of the
 41 member is eligible for coverage under subdivision (1), (2), or (3).

42 (i) **After December 31, 2004, the unit of local government that**
 43 **employed the deceased member shall provide health insurance**
 44 **coverage for:**

- 45 (1) **the surviving spouse; and**

**(2) each natural child, stepchild, or adopted child;
of the member under IC 5-10-14.**

SECTION 13. IC 36-8-7.5-14.1, AS AMENDED BY P.L.86-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14.1. (a) This section applies to an active member who dies in the line of duty after August 31, 1982.

(b) If a member dies in the line of duty after August 31, 1982, the surviving spouse is entitled to a monthly benefit, during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than fifty percent (50%) of the monthly wage received by a first class patrolman. If the spouse remarried before September 1, 1983, benefits ceased on the date of remarriage. However, if a member of the police department dies in the line of duty after August 31, 1982, and the member's surviving spouse remarried before September 1, 1983, the benefits for the surviving spouse shall be reinstated on July 1, 1995, and continue during the life of the surviving spouse.

(c) The 1953 fund shall also be used to pay an annuity equal to twenty percent (20%) of the salary of a first class patrolman on the police department, computed as provided in section 12(b) of this chapter and payable in monthly installments, to each dependent child of a member of the fund who dies from any cause while in the actual discharge of duties as a police officer. The pension to each child continues:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longest. However, the pension to the child ceases if the child marries or is legally adopted by any person.

(d) The surviving children of the deceased member who are eligible to receive a benefit under subsection (c) may receive an additional benefit in an amount fixed by ordinance, but the total benefit to all the member's children under this subsection may not exceed a total of thirty percent (30%) of the monthly wage received by a first class patrolman. However, this limitation does not apply to the children of a member who are physically or mentally disabled.

(e) If a deceased member leaves no surviving spouse and no child who qualifies for a benefit under subsection (c) but does leave a dependent parent or parents, the 1953 fund shall be used to pay an annuity not greater than a sum equal to twenty percent (20%) of the salary of a first class patrolman on the police department, computed and payable as provided in section 12(b) of this chapter, payable monthly to the dependent parent or parents of a member of the police

department who dies from any cause while in the actual discharge of duties as a police officer. The annuity continues for the remainder of the life or lives of the parent or parents as long as either or both fail to have sufficient other income for their proper care, maintenance, and support.

(f) In all cases of payment to a dependent relative of a deceased member, the local board is the final judge of the question of necessity and dependency and of the amount within the stated limits to be paid. The local board may also reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the 1953 fund or other circumstances make this action necessary.

(g) If the salary of a first class patrolman is increased or decreased, the pension payable under this section shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(h) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness caused by incident, accident, or violence that results from any action that the member, in the member's capacity as a police officer:

- (1) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or
- (2) performs in the course of controlling or reducing crime or enforcing the criminal law.

The term includes a death presumed incurred in the line of duty under IC 5-10-13.

(i) The unit of local government that employed the deceased member shall after December 31, 2003, **and before January 1, 2005**, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).

(j) After December 31, 2004, the unit of local government that

1 **employed the deceased member shall provide health insurance**
 2 **coverage for:**

3 **(1) the surviving spouse; and**

4 **(2) each natural child, stepchild, or adopted child;**

5 **of the member under IC 5-10-14.**

6 SECTION 14. IC 36-8-8-13.9, AS AMENDED BY P.L.86-2003,
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2004]: Sec. 13.9. (a) This section applies to an active member
 9 who died in the line of duty (as defined in section 14.1 of this chapter)
 10 before September 1, 1982.

11 (b) Except as otherwise provided in this subsection, if a fund
 12 member dies in the line of duty, the following apply:

13 (1) Each of the member's surviving children is entitled to a
 14 monthly benefit equal to twenty percent (20%) of the fund
 15 member's monthly benefit:

16 (A) until the child becomes eighteen (18) years of age; or

17 (B) until the child becomes twenty-three (23) years of age if
 18 the child is enrolled in and regularly attending a secondary
 19 school or is a full-time student at an accredited college or
 20 university;

21 whichever period is longer. However, if the board finds upon the
 22 submission of satisfactory proof that a child who is at least
 23 eighteen (18) years of age is mentally or physically incapacitated,
 24 is not a ward of the state, and is not receiving a benefit under
 25 clause (B), the child is entitled to receive an amount each month
 26 that is equal to the greater of thirty percent (30%) of the monthly
 27 pay of a first class patrolman or first class firefighter or fifty-five
 28 percent (55%) of the monthly benefit the deceased member was
 29 receiving or was entitled to receive on the date of the member's
 30 death as long as the mental or physical incapacity of the child
 31 continues. Benefits paid for a child shall be paid to the surviving
 32 parent as long as the child resides with and is supported by the
 33 surviving parent. If the surviving parent dies, the benefits shall be
 34 paid to the legal guardian of the child.

35 (2) The member's surviving spouse is entitled to a monthly benefit
 36 equal to sixty percent (60%) of the fund member's monthly
 37 benefit during the spouse's lifetime. If the spouse remarried before
 38 September 1, 1983, and benefits ceased on the date of remarriage,
 39 the benefits for the surviving spouse shall be reinstated on July 1,
 40 1997, and continue during the life of the surviving spouse.

41 If there is no surviving eligible child or spouse, and there is proof
 42 satisfactory to the local board, subject to review in the manner specified
 43 in section 13.1(b) of this chapter, that the parent was wholly dependent
 44 on the fund member, the member's surviving parent is entitled, or both
 45 surviving parents if qualified are entitled jointly, to receive fifty percent

(50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years of age, the benefit under subsection (b) is computed as if the member:

(1) did have twenty (20) years of service; and

(2) was fifty-two (52) years of age.

(d) The unit of local government that employed the deceased member shall after December 31, 2003, **and before January 1, 2005**, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

(1) until the child becomes eighteen (18) years of age;

(2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).

(e) After December 31, 2004, the unit of local government that employed the deceased member shall provide health insurance coverage for:

(1) the surviving spouse; and

(2) each natural child, stepchild, or adopted child;

of the member under IC 5-10-14.

SECTION 15. IC 36-8-8-14.1, AS AMENDED BY P.L.86-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14.1. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) This section applies to an active member who dies in the line of duty after August 31, 1982.

(c) If a fund member dies in the line of duty after August 31, 1982, the member's surviving spouse is entitled to a monthly benefit during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than the benefit payable to a member with twenty (20) years service at fifty-two (52) years of age. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue

during the life of the surviving spouse.

(d) If a fund member dies in the line of duty, each of the member's surviving children is entitled to a monthly benefit equal to twenty percent (20%) of the fund member's monthly benefit:

(1) until the child reaches eighteen (18) years of age; or

(2) until the child reaches twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

whichever period is longer. However, if the board finds upon the submission of satisfactory proof that a child who is at least eighteen (18) years of age is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under subdivision (2), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(e) If there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(f) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years old, the benefit is computed as if the member:

(1) did have twenty (20) years of service; and

(2) was fifty-two (52) years of age.

(g) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness caused by incident, accident, or violence that results from:

(1) any action that the member, in the member's capacity as a police officer:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or

(B) performs in the course of controlling or reducing crime or enforcing the criminal law; or

(2) any action that the member, in the member's capacity as a firefighter:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or

1 (B) performs while on the scene of an emergency run
 2 (including false alarms) or on the way to or from the scene.

3 The term includes a death presumed incurred in the line of duty under
 4 IC 5-10-13.

5 (h) The unit of local government that employed the deceased
 6 member shall after December 31, 2003, **and before January 1, 2005**,
 7 offer to provide and pay for health insurance coverage for the member's
 8 surviving spouse and for each natural child, stepchild, or adopted child
 9 of the member:

- 10 (1) until the child becomes eighteen (18) years of age;
- 11 (2) until the child becomes twenty-three (23) years of age if the
- 12 child is enrolled in and regularly attending a secondary school or
- 13 is a full-time student at an accredited college or university; or
- 14 (3) during the entire period of the child's physical or mental
- 15 disability;

16 whichever period is longest. If health insurance coverage is offered by
 17 the unit to active members, the health insurance provided to a surviving
 18 spouse and child under this subsection must be equal in coverage to that
 19 offered to active members. The offer to provide and pay for health
 20 insurance coverage shall remain open for as long as there is a surviving
 21 spouse or as long as a natural child, stepchild, or adopted child of the
 22 member is eligible for coverage under subdivision (1), (2), or (3).

23 **(i) After December 31, 2004, the unit of local government that**
 24 **employed the deceased member shall provide health insurance**
 25 **coverage for:**

- 26 **(1) the surviving spouse; and**
- 27 **(2) each natural child, stepchild, or adopted child;**
- 28 **of the member under IC 5-10-14.**

29 SECTION 16. IC 36-8-10-16.5, AS ADDED BY P.L.86-2003,
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2004]: Sec. 16.5. (a) As used in this section, "dies in the line
 32 of duty" has the meaning set forth in IC 5-10-10-2.

33 (b) This section applies to the survivors of an eligible employee who
 34 dies in the line of duty.

35 (c) After December 31, 2003, **and before January 1, 2005**, the
 36 department that employed the eligible employee who died in the line of
 37 duty shall offer to provide and pay for health insurance coverage for the
 38 eligible employee's surviving spouse and for each natural child,
 39 stepchild, or adopted child of the eligible employee:

- 40 (1) until the child becomes eighteen (18) years of age;
- 41 (2) until the child becomes twenty-three (23) years of age, if the
- 42 child is enrolled in and regularly attending a secondary school or
- 43 is a full-time student at an accredited college or university; or
- 44 (3) during the entire period of the child's physical or mental
- 45 disability;

1 whichever period is longest. If health insurance coverage is offered by
2 the unit to an eligible employee, the health insurance provided to a
3 surviving spouse or child under this subsection must be equal in
4 coverage to that offered to an eligible employee. The offer to provide
5 and pay for health insurance cover shall remain open for as long as
6 there is a surviving spouse or as long as a natural child, stepchild, or
7 adopted child of the eligible employee is eligible for coverage under
8 subdivision (1), (2), or (3).

9 **(d) After December 31, 2004, the department that employed**
10 **the eligible employee who died in the line of duty shall provide**
11 **health insurance coverage for:**

12 **(1) the surviving spouse; and**

13 **(2) each natural child, stepchild, or adopted child;**
14 **of the eligible employee under IC 5-10-14."**

15 Renumber all SECTIONS consecutively.

 (Reference is to HB 1334 as printed February 2, 2004.)

Representative Espich